



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF CAMPAIGN & POLITICAL FINANCE

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MARY F. MCTIGUE
DIRECTOR

August 15, 1989
AO-89-15

Joseph G. Grassi
391 Cambridge Street
Cambridge, MA 02141

Dear Mr. Grassi:

This letter is in response to your recent request for an advisory opinion.

You have stated that you are the campaign manager for a candidate for the Cambridge City Council. You are also employed part-time by the City of Cambridge in the Department of Human Service Programs as a Youth Leader II. To date, you have earned \$225 for the calendar year 1989, and expect to earn a total of approximately \$900 for 1989.

You have inquired as to the application of certain prohibitions against public employees soliciting campaign contributions to your particular situation.

M.G.L. c.55, section 13 states, in part: "No person employed for compensation, other than an elected officer, by the commonwealth or any county, city or town shall directly or indirectly solicit or receive any gift, payment, contribution, assessment, subscription or promise of money or other thing of value for the political campaign purposes of any candidate for public office or of any political committee, or for any political purpose whatever..."

M.G.L. c.43, section 108 was recently amended to state, in part: "[n]o employee of any department, board or commission of the city shall, directly or indirectly, solicit or receive, or in any manner be concerned in soliciting or receiving any assessment, subscription or contribution for any political party, for any candidate for city office or for any political committee organized on behalf of such candidate. This section shall not prevent such persons from being members of political organizations or committees."

The prohibitions against city employees soliciting campaign contributions contained in section 108 closely parallel the prohibitions against solicitations by public employees contained in section 13 of M.G.L. c.55. It has been the opinion of this office, with respect to the

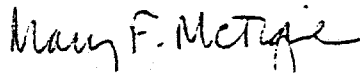
application of section 13 of M.G.L. c.55, that if a person is employed (i.e. someone who receives compensation in the form of a salary), whether part-time or full-time, the prohibitions of this section are fully applicable to such person.

It is therefore the opinion of this office that both section 108 of M.G.L. c.43 and section 13 of M.G.L. c.55 would be applicable to you. You hold the position of campaign manager for a candidate for Cambridge City Council, but you would be prohibited from any fundraising activity, directly or indirectly, in your capacity as campaign manager.

This opinion has been rendered solely on the basis of representations made in your letter and solely in the context of M.G.L. c.55 and section 108 of M.G.L. c.43.

Please do not hesitate to contact this office should you have additional questions.

Very truly yours,



Mary F. McTigue
Director

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